

Remarks/Arguments:

Claims 1-22 were originally pending in this application. In a final Office Action dated March 15, 2005, claims 1-16 were rejected. On May 9, 2005, Applicants filed a Response to the Office Action. On June 8, 2005, an Advisory Action was mailed by the Office which stated that Applicants' Response did not place the application in condition for allowance. Applicants conducted a telephone Interview with Examiner Bui on June 14, 2005, to better understand the Examiner's reading of the cited reference and to clarify Applicants' claimed invention.

Applicants thank Examiner Bui for the courtesy extended to his attorneys in the initial telephone interview on June 14, 2005 and the follow-up telephone interview later the same day. Ultimately, as a result of the telephone interviews with Examiner Bui, the Examiner did agree that, in view of the cited prior art, the present application did contain patentable subject matter, however, the claims would require an amendment be filed in a Request for Continued Examination ("RCE") in order for prosecution to continue.

Presently, claims 1, 3-7, 11, and 14-15 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,078,720 ("Burton"). Claims 2, 8-10, 12-13, and 16 stand rejected under 35 U.S.C. 103(a) as unpatentable over Burton. Applicants respectfully traverse these rejections, and contend that claims 1-16, as amended, are patentable over the art of record for at least the reasons set forth below.

Applicants have amended independent claim 1 to more clearly indicate that the portion of the introducer containing the endoluminal device is positioned radially outward of the proximal end of the device. As claimed and as shown in Figure 2A, the endoluminal device 230 is mounted concentrically over shaft 206 in central lumen 210. The endoluminal device has a distal end contained in anterograde portion 204 and a proximal end contained by retrograde portion 202. The retrograde portion 205 is positioned radially outward of the proximal end of the device.

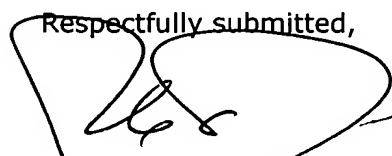

Burton does not teach, disclose or suggest an introducer having an endoluminal device contained by a retrograde portion that is positioned *radially outward of the proximal end of the device*. To the extent that the Examiner has interpreted Burton to disclose "containment" by "retrograde portion" 6 of Burton, Burton clearly shows this portion to be positioned *radially inward* of the endoluminal device. While at this time Applicants takes no

position with respect to the Examiner's reading of Burton, Applicants maintain that claim 1, as amended, now clearly distinguishes from the Examiner's interpretation of Burton.

Applicants respectfully submit that independent claim 16 includes language that already distinguishes it from the Examiner's interpretation of Burton. Claim 16 includes "a retrograde portion having . . . a retrograde central lumen defined *radially inward of the internal wall. . .*" with the endoluminal device "mounted concentrically over the shaft *in the retrograde and antegrade central lumens. . .*" The claim further defines an annular lumen "defined between the external wall and the internal wall" to be in fluid communication with the balloon. Thus, to the extent that Burton discloses a lumen (although not annular) in fluid communication with the balloon, this sets the position of the internal wall and retrograde central lumen such that Burton fails to disclose the endoluminal device mounted *in the retrograde central lumen*. Accordingly, the rejection of claim 16 as unpatentable in view of Burton cannot be maintained at least because Burton fails to show the endoluminal device mounted in the *retrograde central lumen* and because Burton fails to show the lumen in fluid communication with the balloon as being *annular*.

Applicants contend, therefore, that independent claims 1 and 16 are patentable over the prior art. Claims 2-15 are also patentable over the prior art at least for the same reasons that claim 1, on which they depend, but may be separately patentable for additional reasons as well.

In view of the amendments and arguments set forth above, applicants submit that the above-identified application is in condition for allowance.

Respectfully submitted,


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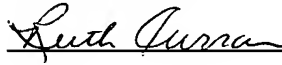
Appln. No.: 10/081,636
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